

# Weekly E-mail Update

WASHINGTON STATE 12TH LEGISLATIVE DISTRICT



**March 25, 2005**

The 59<sup>th</sup> Legislature has ended its 11th week of the 2005 session. Week 12 starts on Monday, March 28.

As I mentioned in last week's update, the Legislature passed its second self-imposed deadline on Wednesday, March 16, the last day for the Senate and House to pass their own bills. Bills related to the budgets are not subject to cutoffs. During the rest of March, Senate and House committees will be holding hearings on bills from the opposite chamber.

## ELECTION CHALLENGE UPDATE

While both sides are still doing research in preparation for a late-April trial date, some possible strategies have emerged.

☑ The state Republican Party may ask the judge to discard identified illegal votes on a proportional basis. This idea works as follows: If the vote split in a precinct was 60 percent for Gregoire and 40 percent for Rossi and 10 illegal votes were cast, then Gregoire would lose 6 votes and Rossi would lose 4. In King County, where Gregoire won by 58 percent to 40 percent and where most of the identified illegal votes have been found – along with 660 provisional ballots being counted without voter verification – the idea of dumping votes on a proportional basis could be significant. Gregoire won by only 129 votes.

☑ The second possible strategy the state GOP may engage is one based on voter worker errors and a 1912 Washington State Supreme Court ruling that said the setting aside of election returns might be warranted if there are circumstances beyond a reasonable doubt that the disregard of the law by election officials “has been so fundamental or so persistent and continuous that it is impossible to distinguish what votes are lawful and what are unlawful or to arrive at any certain result whatever” – even if the officials are just negligent, and not guilty of fraud.

The list of potential felons who voted may be shorter than the 1,135 originally released by the state Republican Party. So far, out of 462 names checked by *The Seattle Times*, 165 have been identified as being convicted of a felony only as juveniles. In juvenile cases, a person is not disqualified from voting once he or she turns 18. Still, this leaves 297 names of persons convicted of felonies as adults.

## ELECTION REFORM UPDATE

Five election reform measures remain alive for the session.

- ☐ **House Bill 2027** moves the primary election back to the third Tuesday in August.
  - ☐ **House Bill 1754** would require all elections to be conducted by mail after 2008.
  - ☐ **Senate Bill 5565** improves the voting process for military and overseas voters.
  - ☐ **Senate Bill 5564** requires that election workers have easy-to-understand manuals for every step in the process.
  - ☐ **Senate Bill 5499** - This omnibus bill addresses several reform measures including standardizing the handling of ballots in all counties; requiring a three-year review cycle for all county election procedures; making candidate filing a month earlier; making provisional ballots distinguishable from regular ballots; requiring random investigations of voter rolls; and allowing more time after Election Day for military ballots to be received and counted.
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## **Budget Tidbits...just the facts**

**Governor's budget relies too heavily on one-time money.** For more information, go to [www.src.wa.gov](http://www.src.wa.gov) and click on "Budget Tidbits...just the facts, 12<sup>th</sup> Edition." Budget Tidbits is written each week by Sen. Joe Zarelli, the ranking Republican on the Senate Ways and Means Committee.

### **GOVERNOR STARTS BUDGET BATTLE WITH PLAN TO RAISE TAXES AND SHOVE \$524 MILLION PROBLEM INTO FUTURE BIENNIA**

On Monday, March 21, Governor Gregoire released her spending plan for the 2005-07 biennium. Her proposed budget grows by 11 percent over current spending – a stark contrast to the Senate budget for 2003-05 that grew spending by only 3 percent from the previous two years. (The 2003-05 Senate budget was crafted by Sen. Dino Rossi and passed with bipartisan support.) She seems to have abandoned from the start any effort to meet the state's needs without spending more than the nearly \$1.7 billion in new revenue for the next two years.

#### **✓ Unsustainable**

The governor's budget is unsustainable:

- She defers funding of a \$524 million obligation to the state's pension systems;
- She "saves" \$127 million through accounting changes; and
- She uses \$317 million in one-time money to address ongoing problems.

The sad thing is that Gov. Gregoire admits the budget is not sustainable.

#### **✓ Depletes Reserves**

The governor's plan spends the state's emergency reserves down to about ½ of 1 percent of spending – a balance that could be wiped out in one revenue forecast.

#### **✓ No Solutions**

The governor's budget fails to offer solutions to control the fastest growing areas of the budget.

#### **✓ Questionable Priorities**

- Nursing homes – rates are reduced from maintenance level needs, likely leading to closures.
- Medicaid patient access – reimbursement rates for doctors caring for Medicaid patients are not increased, likely leading to more doctors refusing to treat Washington's low-income residents.
- Letting people out of jail – saves money by allowing current and future non-violent offenders to spend their last year of confinement in a non-prison setting.
- Terminates plan to close Fircrest School and use the proceeds to provide services for thousands of persons with development disabilities.

#### **✓ Raises Taxes**

- Earlier this year, the Washington State Supreme Court killed the state's death tax, but the governor's budget plan brings it back: She's proposed reinstating Washington's estate tax on non-farm estates valued at more than \$2 million.
- As more and more people quit smoking – or don't start – the state's tax on cigarettes has become a declining revenue. Yet the governor's spending plan relies on money from an additional tax of \$1 per pack.

Now that the governor's budget is on the table, the Senate Democrats' budget will be released Monday, March 28. They have already set the stage for what they want to do by gutting I-601, the voter-approved spending lid and supermajority requirement to raise taxes.

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## LOANS FOR LOCAL PUBLIC WORKS PROJECTS APPROVED

The Public Works Trust fund was created by the Legislature in 1985 to provide low-interest or interest-free loans for local government public works projects. **House Bill 1049**, authorizing this year's loans, has now been approved by both the House and Senate. A total of 64 projects will get loans: 28 domestic water projects; 27 sewer projects; five storm water projects; three road projects; and one solid waste project.

Five of these projects are in the 12<sup>th</sup> Legislative District. They include:

**Brewster:** \$2,659,600 is provided for the Brewster sanitary sewer project. That project will involve converting the retrofit south lift station and dry well/wet well system into a submersible pump station; enclosing the head-works structure; including electrical and ventilation systems; replacing the chlorine gas disinfection system with UV disinfection; constructing a plant water system; adding a new effluent flow meter and automatic sampler; replacing activated sludge pumps; retrofitting a primary clarifier; and installing a new dewatering facility, electrical and control features, and appurtenances.

**East Wenatchee:** The East Wenatchee Water District receives \$490,875 from the proposal for its domestic water project. That project will increase capacity and address leaking mains by replacing about one mile of 12-inch ductile iron transmission main.

**Leavenworth:** \$1.4 million is provided for Leavenworth's domestic water project, which consists of reconstructing the old reservoir on the existing site, including new structural walls, a new roof, and related appurtenances. The project also will include installation of a supervisory control and data acquisition (SCADA) monitoring/radio telemetry control system.

**Malaga:** The Malaga Water District receives \$161,500 to construct a new 52,000-gallon partially buried concrete reservoir and connecting pipe, and to install security fencing around a tank. This project will enable the district to ensure a continuous safe water supply to the homes and businesses in the area.

**Douglas County:** Douglas County receives \$2,835,600 for its storm sewer project. That project includes the construction of a detention basin of about 35 acre feet; and construction of an urban conveyance and water quality project that consists of building about 2,000 feet of closed conduit, 1,000 feet of open channel, and constructing a water quality treatment facility.

## CUTOFF KILLS NEEDED REFORMS TO WORKERS' COMPENSATION PROGRAM

Washington's workers' compensation system has historically been generous compared to other states, but Washington is the only state that requires workers to pay into the fund. The average worker in Washington currently pays \$262 in workers' compensation premiums per year; the average employer pays \$772 per worker annually. The rates for employees and employers have increased for three straight years – by an average of 29.5 percent in 2003, 9.8 percent in 2004 and 3.7 percent in 2005. Six bills were introduced by Senate Republicans this session to bring fairness to the system and stop the ever-increasing rate increases. Democrats kept all six bills from coming to a full vote of the Senate.

- **Senate Bill 5466** would have reformed the calculation of injured workers benefits to allow the number of hours worked per day, week, or month to be averaged to obtain the number of hours the worker "normally worked."
  - **Senate Bill 5674** would have simplified and added certainty to the calculation of workers' compensation benefits.
  - **Senate Bill 5793** would have allowed employers and employees in a workers' compensation claim to enter into a final settlement agreement at any time rather than running through a long line of appeals and litigation.
  - **Senate Bill 5825** would have eliminated the ability of injured workers to apply for an increase in their rate of time-loss compensation or pension benefits for a "change of circumstances."
  - **Senate Bill 5826** would have changed the calculation of injured workers' benefits from being based on the state average monthly wage to being based on the Implicit Price Deflator.
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### **CASH-STRAPPED LOCAL GOVERNMENTS TO GET HELP**

After the Legislature repealed the Motor Vehicle Excise Tax (MVET) and voters froze local property tax increases to one percent without a vote of the people, many cities and counties have had trouble providing needed services. The MVET provided significant funding for local criminal justice costs. The Legislature has provided “backfill” money to those most in need, but one-time money that may or may not be there every year is not a solution. **Senate Bill 6050**, which I prime-sponsored, provides a permanent source of funding from the real estate excise tax (REET) revenue already coming into the state. This measure takes a very small portion of the REET money now going into the Public Works Assistance Account and makes it available on a proportional bases to cities and counties with the most need.

Several small communities in the 12<sup>th</sup> District would receive annual funding help from this proposal: Brewster \$13,529; Bridgeport \$85,314; Cashmere \$47,639; Electric City \$35,235; Entiat \$36,787; Grand Coulee \$12,677; Pateros \$14,014; Rock Island \$20,124; and Twisp \$1,453. Douglas County would receive \$211,200 in annual assistance.

This measure was the next-to-last bill to be passed by the Senate before last week’s floor cutoff, and it is now in the House Capital Budget Committee. I made a commitment to work on this issue prior to session, and I will continue to push for its passage by the Legislature.

### **NO SENATE ACTION TAKEN ABOUT TEACHERS WHO GET PHONY DEGREES TO BOOST THEIR PAY**

**Senate Bill 5634** requires the Superintendent of Public Instruction to verify degrees claimed by teachers for the purpose of getting salary increases. The bill didn’t receive a vote in the Senate Early Learning, K-12 and Higher Education Committee. An effort to bring up the bill for a vote on the Senate floor was defeated. A KIRO-TV investigative report last fall mentioned five certificated staff members in three different school districts who had used illegitimate degrees to receive higher pay. This practice gives a black eye to most teachers who work hard at accredited institutions to improve their skills – and their pay.

### **HOUSE COMMITTEES HOLD PUBLIC HEARINGS AND TAKE ACTION ON KEY SENATE BILLS**

March 17 public hearing – **Senate Bill 5179** provides for more citizen involvement in solving forest health problems. Scheduled to be approved and moved out for a full House vote.

March 17 executive action – **Senate Joint Memorial 8000** asks Congress to establish the Ice Age Floods National Geologic Trail in Eastern Washington. This measure, which I prime-sponsored, was approved by the House Natural Resources, Ecology and Parks Committee. It is now in the House Rules Committee, one step from a full House vote.

March 18 public hearing – **Senate Bill 5171** enhances the safety of children at school through improved information sharing between school officials and juvenile justice and care agencies.

March 21 public hearing – **Senate Bill 5551** creates a study of the impact of the state’s minimum wage on job retention and job creation.

March 21 public hearing – **Senate Bill 5329** directs the state Department of Community, Trade and Economic Development to design strategies for developing clusters of industries that drive wealth creation in a region.

March 22 public hearing – **Senate Bill 5202**, which I prime-sponsored, requires the state to look at offering health savings accounts for public employees as a less expensive option to traditional health insurance.

March 22 public hearing – **Senate Bill 5708** removes restrictions on the authority of EMTs to administer epinephrine to treat life-threatening allergic reactions.

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March 22 public hearing – **Senate Bill 5417** provides that a person’s vehicle can be impounded for 12 hours after an arrest for drunk driving.

March 23 public hearing – **Senate Bill 5614** requires an audit of the state’s workers’ compensation insurance fund.

March 23 public hearing – **Senate Bill 5288** requires that juveniles’ rights be protected and their parents notified when they are detained for questioning in regard to a crime.

March 24 public hearing – **Senate Bill 5939** requires agencies and businesses with data banks of personal information about customers to notify customers if there has been a breach of security.

March 24 public hearing – **Senate Bill 5528** removes excessive fees for the inspection of dams on private property which will encourage water storage.

March 24 public hearing – **Senate Bill 5699** adds a \$3 surcharge on boat registration fees to fight invasive aquatic species that clog freshwater lakes and toxic algae blooms that close lakes to swimming and create health hazards for wildlife and pets.

**DROUGHT UPDATE: \$12 MILLION REQUESTED TO “TAKE ACTION RIGHT NOW”**

**Senate Bill 6092** was introduced on March 22 to give the Legislature a way to appropriate funds for a quick response to the official declaration of drought that came last week. The bill asks for a total of \$12 million for emergency water projects, forest fire suppression, and drought assistance.

Over the next few weeks, I’m concentrating on legislation that would reduce the cost of health savings accounts (HSAs) in the small group market. Our goal should be to have health care products that Washingtonians can afford to buy. I will be trying to convince our governor that we should do something meaningful this session. **Stay tuned!**

That wraps it up for this week. Happy Easter! See you next week.

*Legislative toll free hotline: 1-800-562-6000*

*TTY: 1-800-635-9993*

*Senate Republican Web site: [www.src.wa.gov](http://www.src.wa.gov)*

*Legislature’s Web site: <http://www1.leg.wa.gov/legislature>*